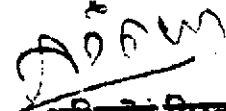


महाराष्ट्र प्रादेशिक नियोजन व नगर रचना अधिनियम, १९६६
कलम ३७(२) अन्वये बृहन्मुंबई विकास नियंत्रण
नियमावलीत फेरबदल करावयाची अधिसूचना.

महाराष्ट्र शासन,
नगर विकास विभाग,
शासन अधिसूचना क्रमांक: दिपीबी-४३०४/२७७०/प्र.क्र.३१२/०४/नवि-११
मंत्रालय, मुंबई : ४०० ०३२, दिनांक: १४ मे, २००७

शासन निर्णय:- सोबत जोडलेली अधिसूचना राज्य शासनाच्या साधारण राजपत्रात प्रसिध्द करण्यात यावी.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नांवाने,


(अभिराज गिरकर)

अवर सचिव, महाराष्ट्र शासन.

प्रति,

महापालिका आयुक्त, बृहन्मुंबई महानगरपालिका, मुंबई.
प्रमुख अभियंता (वि.नि.), बृहन्मुंबई महानगरपालिका, मुंबई.
संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.
उपसंचालक, नगर रचना, बृहन्मुंबई, मुंबई.
व्यवस्थापक, शासकीय मध्यवर्ती मुद्रणालय, चर्नीरोड, मुंबई.

(त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना महाराष्ट्र शासनाचे साधारण राजपत्रात भाग-१ मध्ये प्रसिध्द करण्यात येवून त्याच्या प्रत्येकी ३५ प्रती नगर विकास विभाग, (नवि-११), मंत्रालय, मुंबई-३२ व उप संचालक, नगर रचना, बृहन्मुंबई, इन्साइटमेंट, आझाद मैदान, मुंबई-१ यांना पाठविण्यांत याव्यात.)

कक्ष अधिकारी (संगणक कक्ष) (नवि-२१), नगर विकास विभाग, मंत्रालय, मुंबई ४०० ०३२.

(त्यांना विनंती करण्यात येते की, सोबतची अधिसूचना विभागाच्या वेबसाईटवर प्रदर्शित करण्याबाबत आवश्यक ती कार्यवाही करावी)
निवडनस्ती (नवि-११).

**Maharashtra Regional and
Town Planning Act, 1966.**

- **Sanction under section 37(2) of ..
Modification to Development
Control Regulation for Greater
Mumbai.**

**GOVERNMENT OF MAHARASHTRA
Urban Development Department,
Mantralaya, Mumbai 400 032.
Dated: 14th May, 2007.**

NOTIFICATION

No. TPB-4304/2770/CR-312/04/UD-11:

Whereas the Development Control Regulations of Greater Mumbai (hereinafter referred to as "the said Regulations") have been sanctioned by the Government vide Urban Development Department Notification No. DCR 1090/RDP/UD-11 dated 20th February, 1991, under section 31(1) of Maharashtra Regional and Town Planning Act, 1966 (hereinafter referred to as "the said Act") to come into force with effect from 25/3/1991;

And whereas, as per Regulation No. 56(3)(c) and 57(4)(c) of the said regulations, any industrial land can be permitted to be utilised for any of the permissible user in Residential & Commercial Zone, subject to provisions of land for public utilities and amenities and further 10% shall require to be provided as additional recreational space for land more than 2 ha;

And whereas, the regulation Nos. 56(3)(c)(v) and 57(4)(c)(v), of the said regulations clearly specifies that provision for public utilities and amenities shall be considered to be reservations in the Development Plan and TDR shall be available for such reservation;

And whereas, there is no specific provision for FSI/TDR for additional recreational space and Government has received representations to the effect that the additional recreational space may be considered as layout Recreation space and to waive the Municipal Corporation of Gr. Mumbai's condition of handing over said additional Recreational space to MCGM in lieu of TDR;

And whereas, by considering the above facts, Government decided to remove the anomaly in the provisions of "public utilities & amenities" and additional recreational space and in view of the powers vested under section 37(1) of the said Act, Government directed the Municipal Corporation of Greater Mumbai (hereinafter referred to as "the said Corporation") to initiate modification to sub-regulation 56(3)(c) and 57(4)(c) vide its order of even no. dated 24/8/2004 (hereinafter referred to as "the said directives");

And whereas, Govt. had decided to revise the provisions proposed in the said directives, and accordingly Govt. had withdrawn the said directives and in exercise of the powers contained in sub-section (1AA) of section 37 of the said Act, Government had issued the notice of even no. dated 16/11/2005(hereinafter referred to as "the said Notice") regarding the said modification, for inviting suggestions/objections from public;

And whereas, the said notice was published in the Government Gazette (Extra Ordinary) dated 17/11/2005 and in the news paper namely "Maharashtra Times" (Marathi) dated 23/11/2005 and "Indian Express" (English) dated 22/11/2005;

And whereas, as per the said notice Government had appointed Deputy Director of Town Planning Gr. Mumbai as an officer under section 162 of the said act (hereinafter referred to as "the said officer") to scrutinize the suggestions/objections received, grant hearing to the persons submitting suggestions/objections including Municipal Corporation of Gr. Mumbai (hereinafter referred to as "the said Corporation") and to submit his report to the Government regarding the said modification;

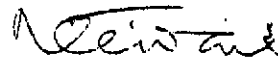
And whereas, after hearing the suggestions/objections received regarding the said modification and the say of said Corporation on the suggestions/objections, the said officer has submitted his report vide letter No. DDTP/Br.Mumbai/37(1AA)/Modification/151 dated 4/12/2006 to the Government (hereinafter referred to as "the said Report");

And whereas, after consulting Director of Town Planning, Maharashtra State, Government is of the opinion that the said modification should be sanctioned with some changes;

Now therefore, in exercise of the powers vested under section 37(2) of the said Act, Government hereby

- (A) sanction the said modification as, specifically described in the Schedule A appended hereto;
- (B) fixes the date of publication of this Notification in the Government Gazette as the date of coming into force of this modification;
- (C) directs the said Corporation that, in the Schedule of Modification sanctioning the said Regulations, after the last entry, the schedule referred to as (A) above shall be added

By order and in the name of the Governor of Maharashtra,


(Ramanand Tiwari)
Principal Secretary to Government

SCHEDULE-A

(Accompaniment to notification No. TPB 4304/2770/CR-312/04/UD-11 dated 14th May 2007)

Modification No. 1

Regulation	Existing provisions	Sanctioned provisions
56(3)(c)(i) & 57(4)(c)(i)	The layout or sub-division of such land shall be approved by the Commissioner, who will ensure that the requisite land for public utilities and amenities like electric sub-station, bus-station, sub-post office, police out post and such other amenities, as may be considered necessary, will be provided therein.	<p>The conversion of Industrial Zone to Residential/ Commercial Zone in respect of closed industries shall not be permitted unless NOC from Labour Commissioner, Maharashtra State, Mumbai stating that all legal dues have been paid to the workers or satisfactory arrangement between management and workers have been made, is obtained. Provided that where conversion has been permitted on the basis of this certificate, occupation certificate will not be given unless a no dues certificate is granted by Labour Commissioner. However, in respect of any open land in the industrial zone, where industry never existed, NOC from Labour Commissioner is not required.</p> <p>The layout or sub division of such land shall be approved by the Commissioner, who will ensure that 5% land for public utilities and amenities like electric sub-station, bus-station, sub-post office, police out post and such other amenities, as may be considered necessary, will be provided therein.</p>
56(3)(c)(ii) 57(4)(c) (ii)	<p>In such layouts or sub-divisions, each more than 2 ha. In area, amenities and facilities shall be provided as required by these regulations.</p> <p>These areas will be in addition</p>	In such layouts or sub-divisions having area more than 2 ha. but less than 5 ha., 20% land for public utilities and amenities like electric sub-station, bus station, sub post office, police out post,

	to those to be earmarked for public utilities and amenities in accordance with clause (i) above and in addition to the recreational space as is required to be provided under these regulations and further 10% shall be provided as additional recreational space.	<p>garden, playground, school, dispensary and such other amenities shall be provided.</p> <p>In such layout or sub-division each more than 5 ha. in area, 25% land for public utilities and amenities like electric sub-station, bus station, sub post office, police out post, garden, playground, school, dispensary and such other amenities shall be provided.</p> <p>Provided that atleast 50% of the amenity space shall be designated as open space reservation.</p> <p>These areas will be in addition to the recreational space as required to be provided under regulation No.23.</p>
56(3)(c)(iii) & 57(4)(c)(iii)	The required segregating distance as prescribed under these regulations shall be provided within such land intended to be used for residential or commercial purposes	The required segregating distance as prescribed under these regulations shall be provided within such land intended to be used for residential or commercial purposes
56(3)(c)(iv) & 57(4) (c)(iv)	Such residential or local commercial development shall be allowed within the permissible FSI of the nearby residential or commercial zone.	Such residential or local commercial development shall be allowed within the permissible FSI of the nearby residential or commercial zone.
56(3)(c)(v) & 57(4) (c)(v)	Provision for public utilities and amenities shall be considered to be reservations in the development plan and transferable development rights as in Appendix VII shall be available for such reservations.	Provision for public utilities, amenities and open space shall be considered to be reservation in the development plan and Transferable Development Rights as in Appendix VII or FSI of the same shall be available for utilization on the remaining land. Provided that public utility and amenity plots shall not be developed as per Regulation 9.

Following note shall be added below the above regulations:

Note:-

- I. Conversion from industrial zone to residential / commercial zone shall be applicable to the part area of land holding subject to the condition that total area of the entire land holding shall be considered for deciding the percentage of land to be reserved of the said part area of land for public amenity spaces, as per the said Regulation. However, necessary segregating distance shall be provided from industrial use.
- I. In the layout, where Development Plan has provided any reservations,
 - A. if the area under Development Plan reservation is less than the required area of public amenity space as per the said Regulation, then only the difference between the area shall be provided for public amenity spaces.
 - A. If the area under Development Plan reservation is more than the required area of public amenity spaces as per the said regulation, then the provision for public amenity spaces is not necessary.
- I. Out of the total floor area proposed to be utilised for residential development, 20% of the same shall be built for residential tenements having built up area upto 50 sq.mt.

Modification No.2 :

Regulation 35 after table at Sr.No.4

In Sr. No. 4 of table under Regulation 35 following words shall be added -

"However, the area for FSI computation shall be 90% of net area (after deducting amenity area) in case of change of Industrial user to Residential user in the suburban area of Greater Mumbai as specified in Regulation 56(3)(c)(ii) and 57(4)(c)(ii).

Modification No.3 :

Following proviso shall be added in Sr. No.14 of Appendix-VII (Regulation 34).

However, such FSI on the receiving plots under regulation 56(3)(c)(ii) and 57(4)(c)(ii) shall be allowed on 100% of the net plot area after deducting the required public amenity space.

Ramanand Tiwari

(Ramanand Tiwari)
Additional Chief Secretary